



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Jack Kennedy, Regulatory Project Manager

Public Notice Date: March 29, 2005
Expiration Date: April 29, 2005
Reference: 200401505
Name: Washington State Department of
Transportation

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT: Washington State Department of Transportation
Washington State Ferries (WSF)
2911 Second Avenue
Seattle, Washington 98121
ATTN: Kojo Fordjour
Telephone: (206) 515-3650

AGENT: Mike Sallis
Anchor Environmental, Suite 300
1423 Third Avenue
Seattle, Washington 98101
Telephone: (206) 287-9130

LOCATION: In Guemes Channel at Anacortes, Washington.

WORK: Reconstruct further offshore Slip 3 and Slip 4 at the Anacortes Ferry Terminal. Construct a vehicle-loading trestle 475 feet long and a maximum 40 feet wide, install a transfer span and two hydraulic lift cylinders and casings at Slip 3. Also reconstruct and widen a walkway between Slips 2 and the Slip 3 trestle, and install two sets of wingwalls and a maintenance platform, four new dolphins, and enlarge one existing dolphin. During construction, a temporary work trestle will be utilized and removed upon completion of work.

PURPOSE: Upgrade two ferry slips, one for vehicular use. Promote nearshore eelgrass growth by shifting the position of the vessel slips 248 feet further offshore than their present location

MITIGATION: As the new trestle passes over the west end of an existing patch of eelgrass, it is expected to shade and thus eliminate or depress up to 3746 square feet of eelgrass growth. WSF proposes to transplant the eelgrass from the area to be shaded to a 7500 square foot area that should be suitable for eelgrass colonization once Slips 3 and 4 have been moved offshore. Replanting is detailed in a document entitled *Eelgrass Mitigation Plan for the Anacortes Ferry Tie-Up Slip Relocation*, available upon request from the agent for this application. Performance of the replanting would become a condition of any issued permit.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) pursuant to Section

7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The following species listed or proposed for listing under ESA, may occur in the proposed project area:

- Puget Sound chinook: may affect, likely to adversely affect
- *PS Chinook proposed critical habitat*: destruction or adverse modification
- *Puget Sound/Georgia Strait coho*: no jeopardy
- *Coastal-Puget Sound bull trout*: may affect, likely to adversely affect
Bull trout proposed critical habitat: None in project area
- *Bald eagle*: may affect, not likely to adversely affect
- *Steller sea lion*: may affect, not likely to adversely affect
Steller sea lion designated critical habitat: None in Washington State.
- *Marbled murrelet*: may affect, likely to adversely affect
Marbled murrelet designated critical habitat: None in the project vicinity.
- *Humpback whale*: no effect.
- *Leatherback sea turtle*: no effect
- *Orca*: no effect.

The Seattle District has initiated formal consultation with NMFS and USFWS.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact approximately 0.4 acres of EFH for Pacific salmon, Groundfish, and Coastal Pelagic Species in the project area.

The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS. The Corps has determined that the proposed action will adversely affect designated EFH for federally managed fisheries in Washington waters. The Corps has initiated EFH consultation with the National Marine Fisheries Service.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a] [3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

The permit area is likely to yield resources eligible for inclusion in the National Register. An investigation for the presence of potentially eligible historic properties is currently being conducted.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable

detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b) (1) of the Clean Water Act. These guidelines require alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

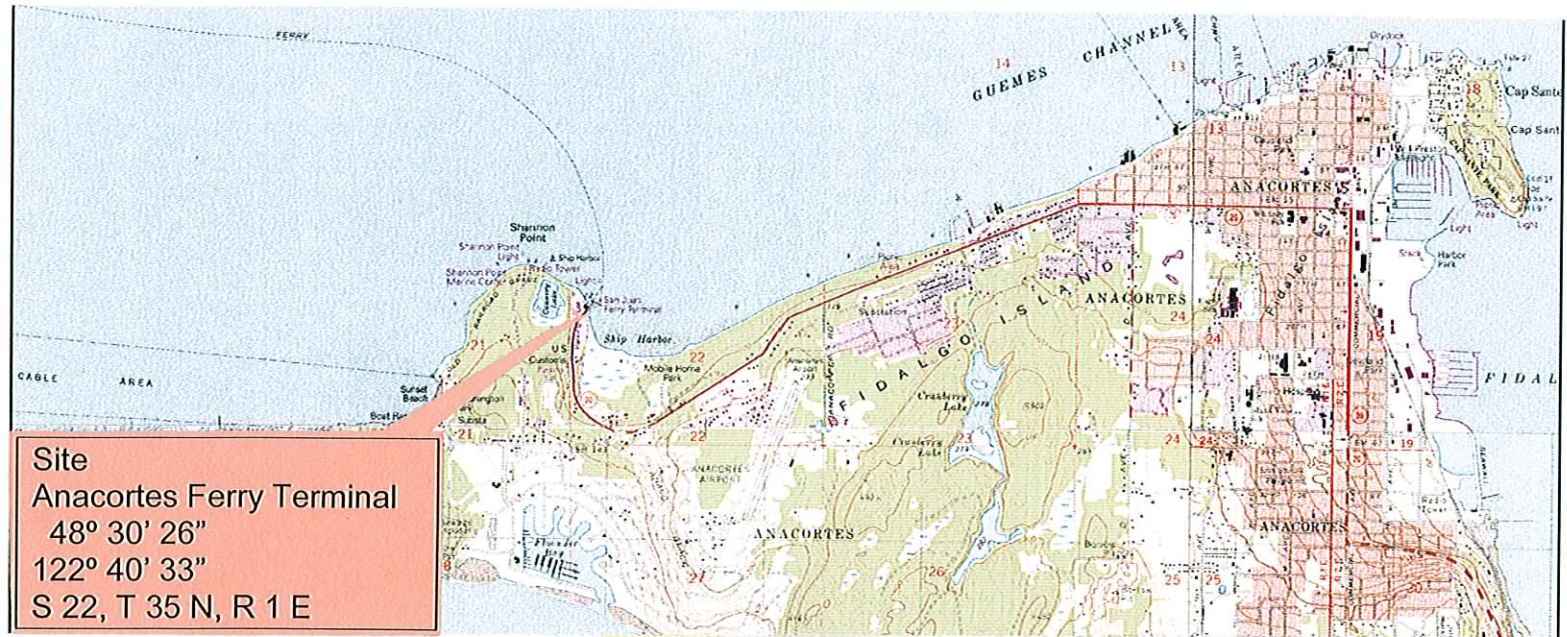
ADDITIONAL EVALUATION: The State of Washington is reviewing this work (for consistency with the approved Washington Coastal Zone Management Program) (and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act).

This proposal is the subject of Shorelines Substantial Development Permit currently under consideration of the City of Anacortes.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to jack.kennedy@nws.usace.army.mil Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Washington State Department of Transportation, 200301505

Encl
Drawings ()



Vicinity Map



Aerial view of the Anacortes Ferry Terminal, looking southwest
 (Photo courtesy Washington Department of Ecology, Shoreline
 Aerial Photo SKA0422, taken May 11, 1994).

Purpose: Upgrade two ferry slips, one for vehicle loading, and promote nearshore eelgrass growth

Datum: MLLW = 0.0 (N.O.S.)

Adjacent property Ownership

1: Washington Dept of Natural Resources

2: Port of Anacortes

Proposed: New ferry trestle, transfer span, two lift cylinders, maintenance platform, two walkways, two sets of wingwalls, four new mooring dolphins, one enlarged existing dolphin

In: Guemes Channel

At: Anacortes Ferry Terminal, Anacortes, WA

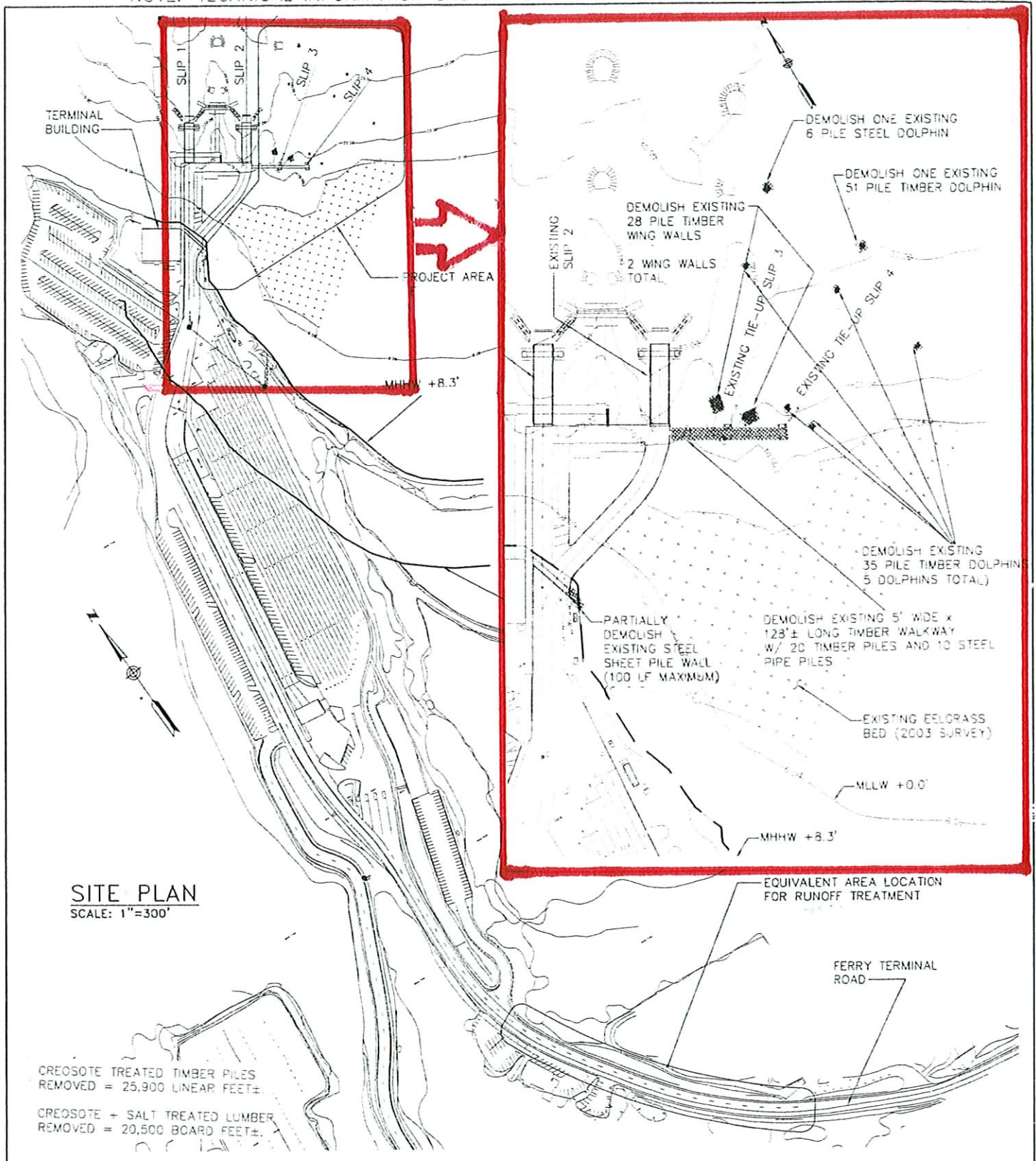
Application by Washington State Ferries

200401505

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Date: 11/29/2004

NOTE: TECHNICAL INFORMATION SHOWN HERE IS FOR PERMITTING PURPOSES ONLY



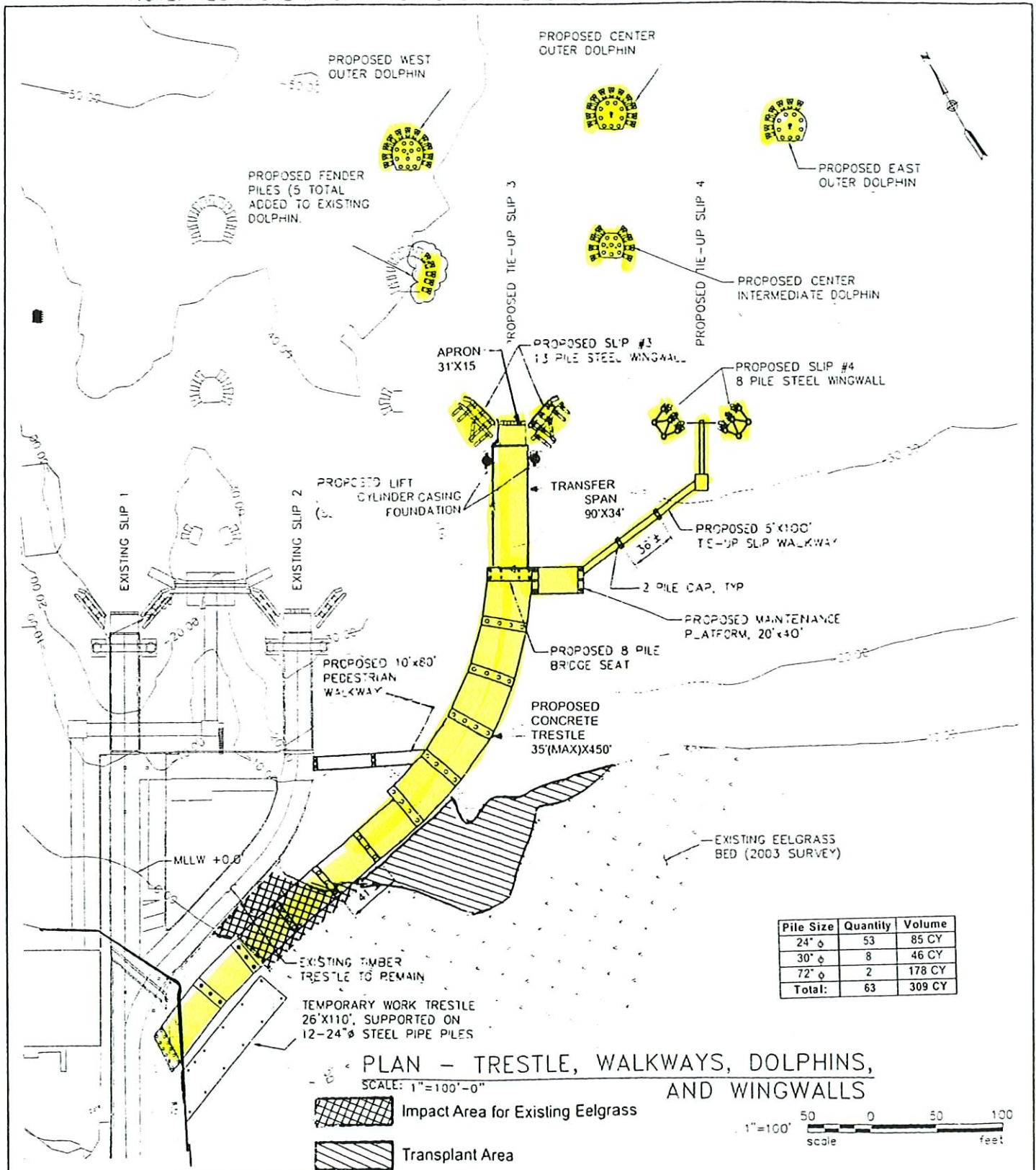
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At: Anacortes Ferry Terminal, Anacortes, WA
Application by Washington State Ferries
200401505 Page 2 of 6 Date: 11/29/2004

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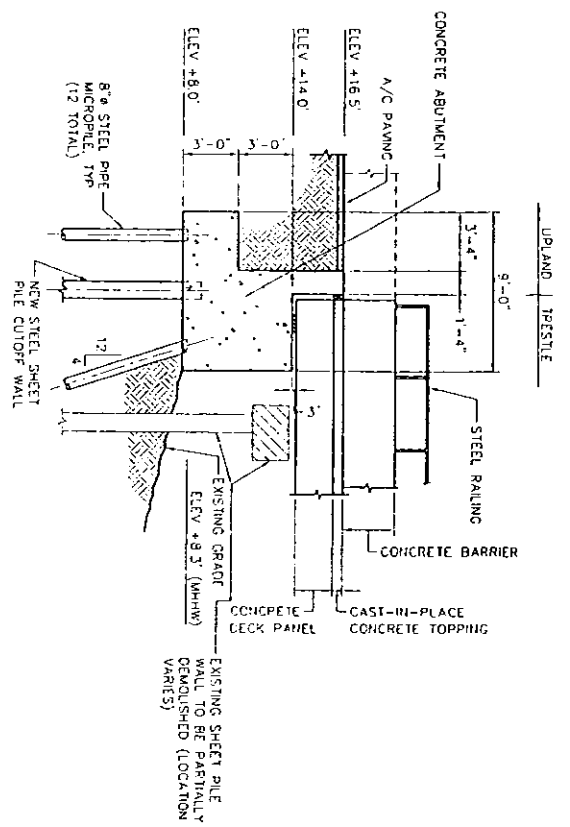


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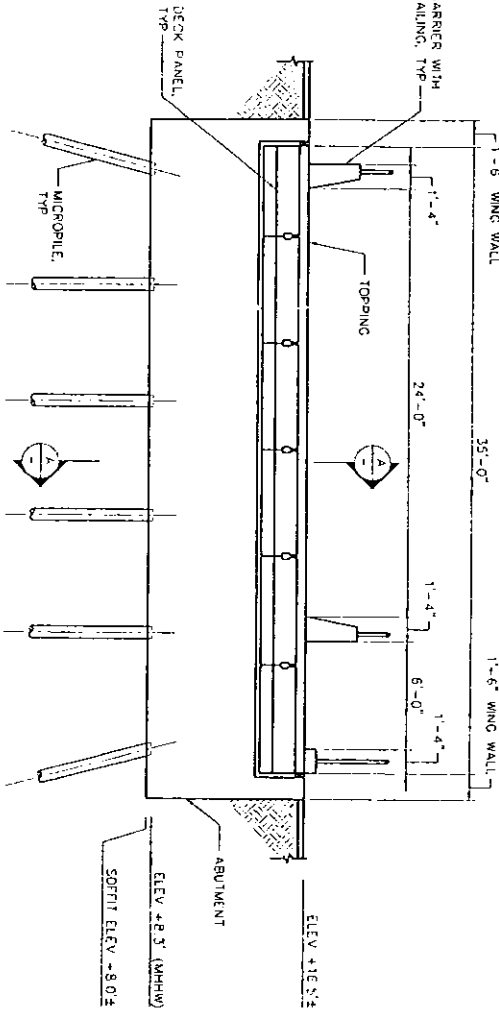
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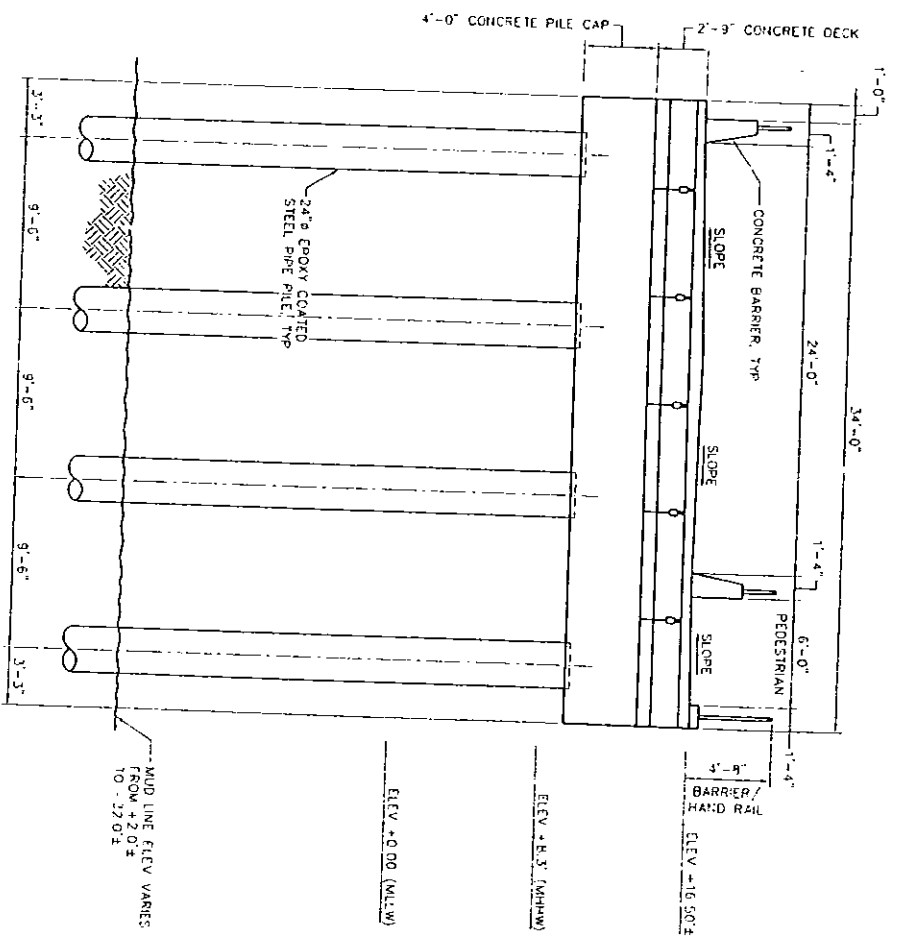
SECTION A-A

SCALE: 1/8"=1'-0"



ELEVATION - TRESTLE ABUTMENT

SCALE: 1/8"=1'-0"



ELEVATION - TRESTLE

SCALE: 1/8"=1'-0"



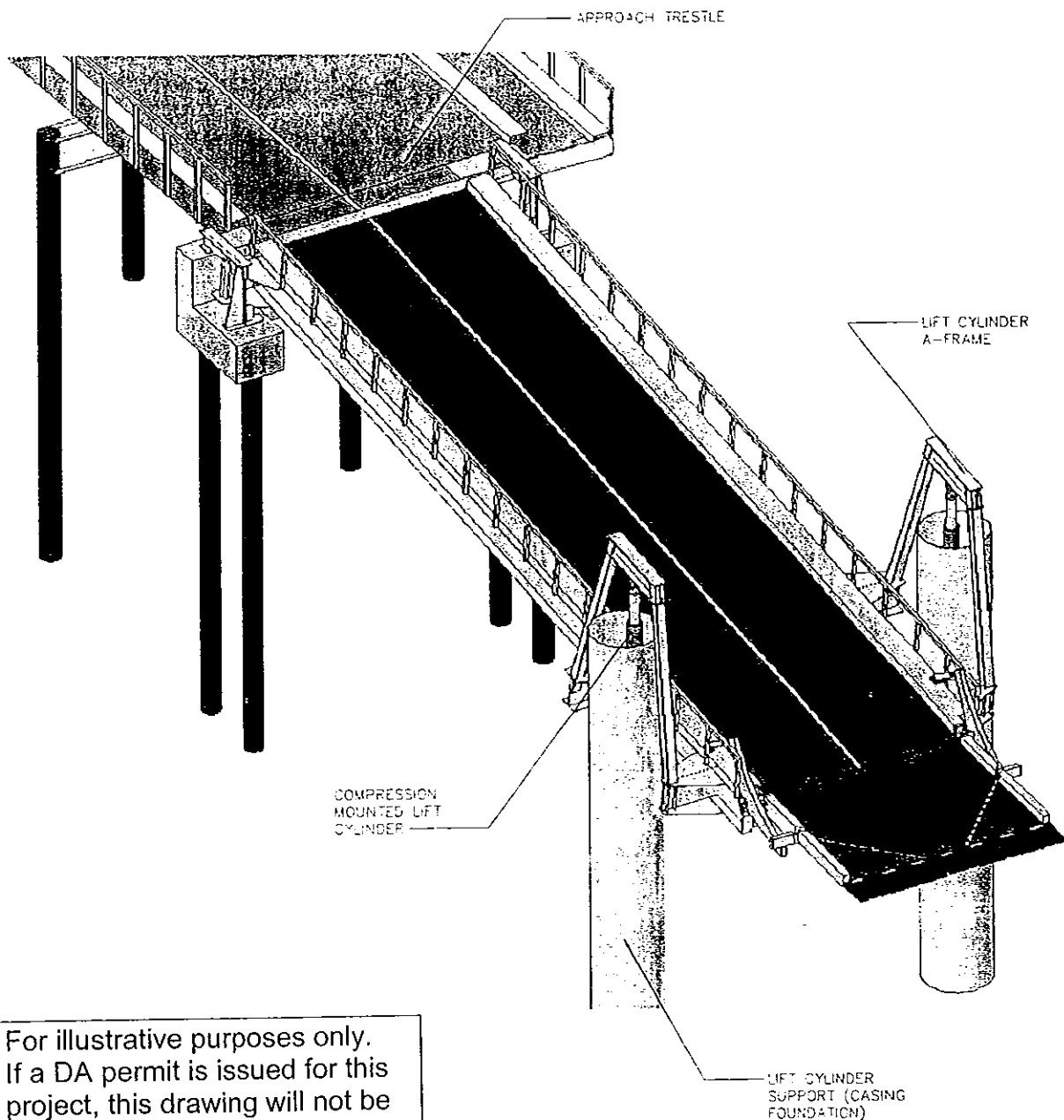
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Application by Washington State Ferries
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NOTE: TECHNICAL INFORMATION SHOWN HERE IS FOR PERMITTING PURPOSES ONLY



For illustrative purposes only.
If a DA permit is issued for this
project, this drawing will not be
a part of the permit drawings

ISOMETRIC VIEW — BRIDGE SPAN AND SUPPORTS

SCALE: NONE

Purpose: Upgrade two ferry slips, one for vehicle loading, and promote nearshore eelgrass growth

Datum: MLLW = 0.0 (N.O.S.)

Adjacent property Ownership

1: Washington Dept of Natural Resources

2: Port of Anacortes

Proposed: New ferry trestle, transfer span, two lift cylinders, maintenance platform, two walkways, two sets of wingwalls, four new mooring dolphins, one enlarged existing dolphin

In: Guemes Channel

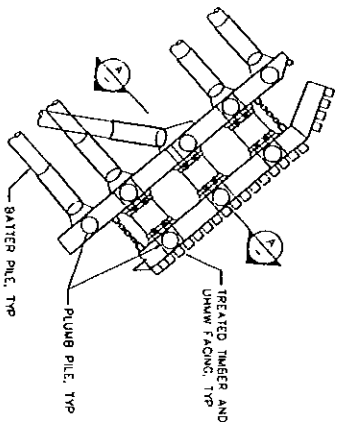
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Application by Washington State Ferries

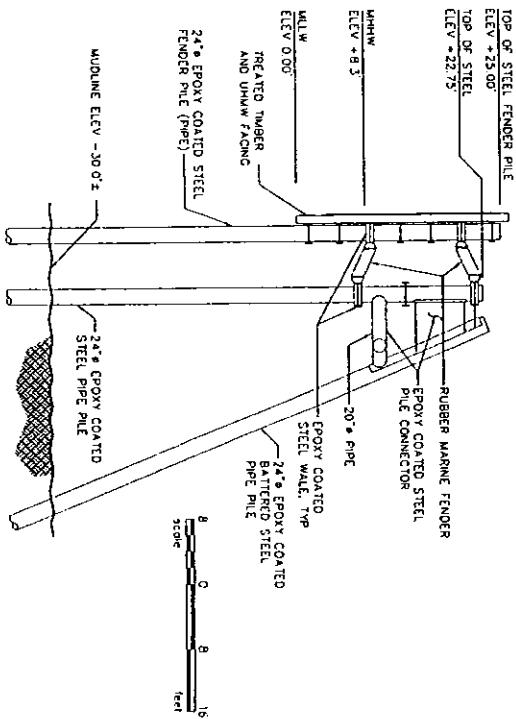
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PLAN - TIE-UP SLIP 3 WINGWALL
SCALE: 1/16"=1'-0"



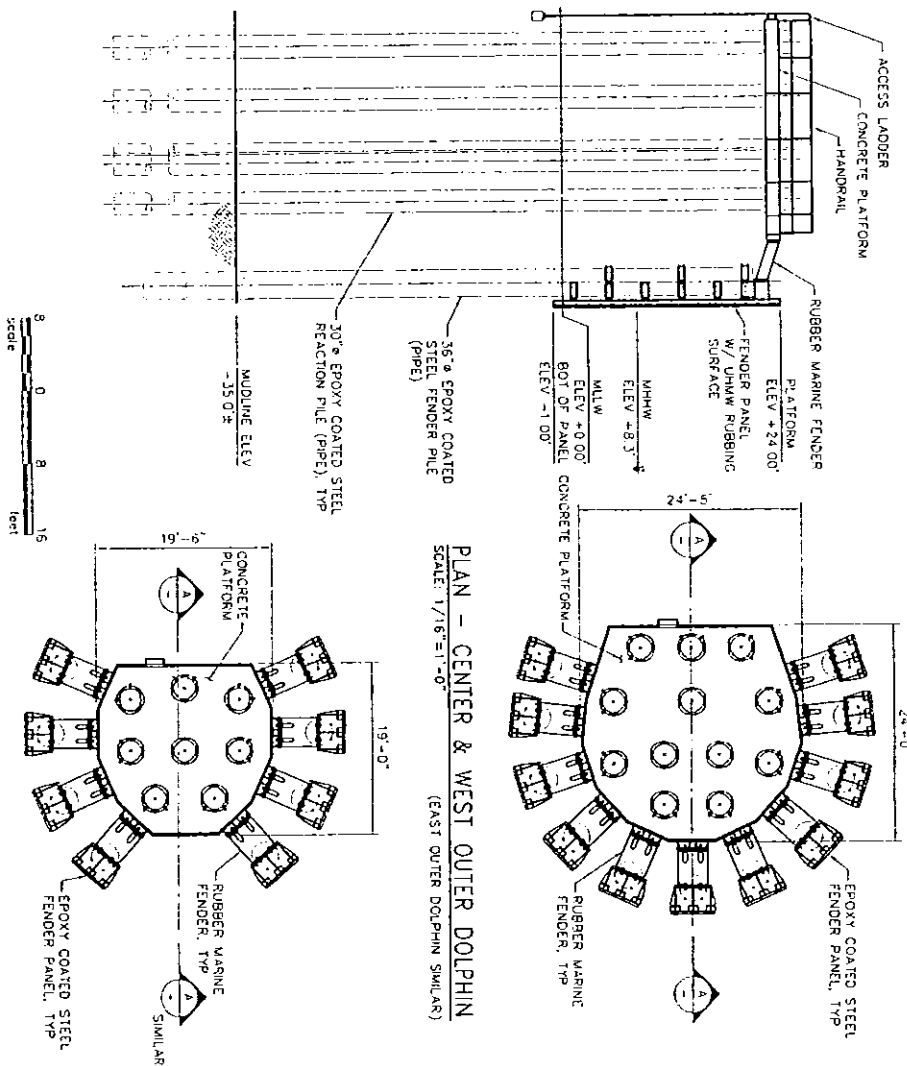
ELEVATION A-A - TIE-UP SLIP 3 WINGWALL
A-A

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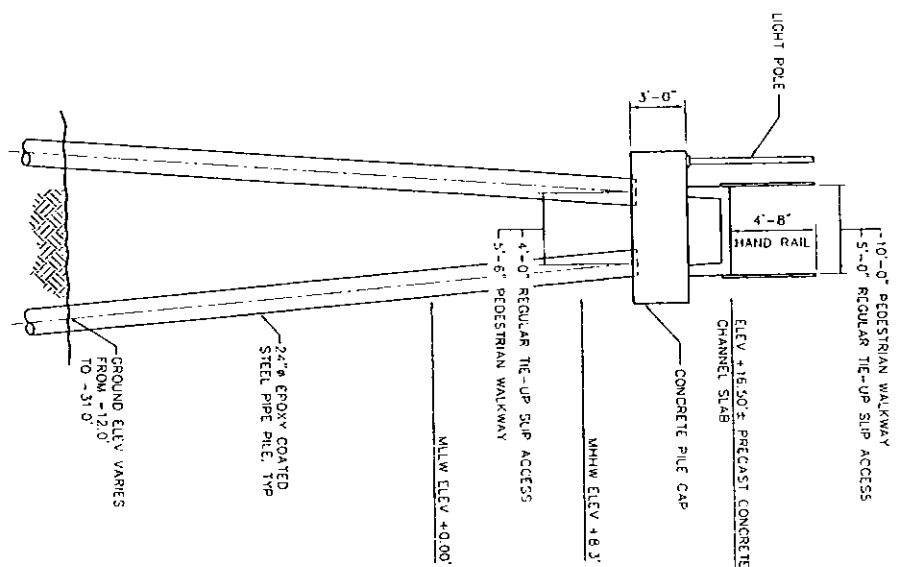
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ELEVATION A-A - DOLPHIN

PLAN - CENTER & WEST OUTER DOLPHIN
(EAST OUTER DOLPHIN SIMILAR)



ELEVATION - TYPICAL WALKWAY

Purpose: Upgrade two ferry slips, one for vehicle loading, and promote nearshore eelgrass growth

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: March 29, 2005

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200401505 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600